

DETAINEE OPERATIONS: DEFEATING AN INSURGENCY
FROM WITHIN THE WIRE

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ABSTRACT

DETAINEE OPERATIONS: DEFEATING AN INSURGENCY FROM WITHIN THE WIRE, by Major Macedonio R. Molina, 73 pages.

As of November 2006, the United States (US) military maintains custody of over 15,000 detainees at four theater internment facilities and one strategic internment facility. With such large populations, there are significant risks of creating radical extremist. The US military must take preventive measures to ensure further radicalization of those individuals who may not necessarily have previously held those views which may have both tactical and strategic implications. To accomplish this task, the US Detainee Operations program requires modification to prevent radicalization of those detainees under its control. The author recommends that the US military modify the current doctrinal objectives from process, handle, care for, account for, and secure detainees to detain both lawful and unlawful enemy combatants and to prevent combatants from continuing the fight against the US and its allies. Additionally, the author recommends logical lines of operations essential to achieve these objectives. The recommended logical lines of operations are based on case study of previous detainee operations, best practices of corrections, and counterinsurgency theory and operations.

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ACRONYMS

AR	Army Regulation
BAT	Biometrics Automated Tool Set
CI	Civilian Internee
COE	Contemporary Operating Environment
DO	Detainee Operations
DoDD	Department of Defense
EPW	Enemy Prisoner of War(s)
FM	Field Manual
GPW	Geneva Conventions Relative to the Treatment of Prisoners of War and Civilians in Time of War
IO	Information Operations
OPSEC	Operations Security
RP	Retained Person(s)
US	United States

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CHAPTER 1

INTRODUCTION

American efforts understandably have focused almost exclusively on thwarting operations and capturing terrorist--the visible tip of the iceberg. We now have to expand the strategy to impede recruiting and encourage rehabilitation.

Brian Michael Jenkins, *Unconquerable Nation*

The Dilemma

In a town, not far from a US Army Forward Operating Base, in multiple Theaters of Operation, a four door sedan carrying two to four men cruise through town. At a traffic control point manned by US Soldiers, the sedan pulls to the side of the road and opens fire on the Soldiers. The US Soldiers respond and kill all but the driver. The driver is detained and is a sworn member of an insurgent cell. Expecting leniency, the detainee provides intelligence leading to an alleged bomb maker's home. Upon receipt of this information, US forces react by conducting a cordon and search of the alleged bomb makers' residence. The team enters at dawn, breaking down multiple doors, wakes the family, yelling orders, forcing the family members into a room under military guard, while they search and ramble through the home and apprehends the alleged bomb maker. Left behind are his wife and children in a destroyed home. At a later date, an investigation reveals that the alleged bomb maker is found to have been an honest electrician trying to make a living for his family. He is latter released back into society holding resentful feeling against the US military.

The above situation describes two distinct variations of individuals; the radical extremist and the innocent bystander. While there are multiple scenarios for these types

of individuals with variations of guilt or innocence, this situation can and has occurred in multiple theaters of operation throughout the Global War on Terrorism. In many cases, released or repatriated detainees express bewilderment as to why they were detained; even Colonel Austin Schmidt, a US commander at Camp Bucca in 2005, estimated that one in four prisoners “perhaps were just snagged in a dragnet-type operation”¹ or were victims of personal vendettas. Additionally, according to the February 2004, *Report of the International Committee of the Red Cross (ICRC) on the Treatment by the Coalition Forces of Prisoners of War and Other Protected Persons by the Geneva Conventions in Iraq During Arrest, Internment and Interrogation*, states that the coalition military intelligence officers estimate between 70 to 90 percent of persons detained have been arrested by mistake.

Prisons have traditionally been breeding grounds for some of the world’s most violent street and organized criminal organizations. Prison environments often inspire the creation of well-organized gangs and networks that thrive behind prison walls. In the US alone, organized gangs, such as the Black Guerilla Family, the Aryan Brotherhood, and the Mexican Mafia, have formed in an effort to promote ethnic and racial solidarity and compete for power and influence inside and outside the penal system. In many cases, these networks are comprised of effective leadership councils, chains of command, and strict codes of conduct for members. Members of prison gangs often include those who are forced to join and are psychologically vulnerable inmates seeking the physical protection that gang members appear to provide. Often, these individuals are indoctrinated to what they perceive as a worthy cause or a sense of belonging.

Given this background, a number of prominent Islamist radicals, to include Ayman al-Zawahiri and Abu Musab al-Zarqawi, spent years in Egypt and Jordan prisons. The Egyptian and Jordanian prison systems are known to have harsh conditions that include systematic abuse and torture.² Assumptions can be made that these experiences were contributors to their radicalization. These two al-Qaeda leaders were notorious in both Afghanistan and Iraq. Similarly, in Spain, Jose Emilio Suarez Trashorras, a Spanish mineworker, was jailed in 2001 for a drug offense. Trashorras was incarcerated with Jamal Ahmidan who was also convicted for a petty crime. Both Trashorras and Ahmidan were not religious or politically motivated; they embraced radical Islamic fundamentalist beliefs, and were recruited into an al-Qaeda linked Moroccan terrorist group. This group was responsible for the Madrid train bombings in Spain, which influenced the 2004 presidential elections.³

The Problem

As of November 2006, the US military maintains custody of over 15,000 detainees.⁴ Of these 15,000 plus detainees, only one detainee is currently classified as an Enemy Prisoner of War (EPW), while the majority of the other detainees are classified as civilian internees (CIs). A CI is considered a belligerent person whom is interned under US custody because he or she has committed an offense that makes him a security risk to coalition forces, is an insurgent, or has committed a criminal act against coalition forces. As with all detainees, the US policy states that the US military will treat all detainees under the principles of the Geneva Convention relative to the treatment of the Prisoners of War (GPW).⁵

With over 15,000 detainees at these facilities, there are significant risks of further creating radical extremist of those who may not have previously held radical extremist ideologies. For purposes of this thesis, the term “radicalization” is defined as the process by which detainees adopt extreme views including beliefs that violent measures need to be taken for political or religious purposes.⁶ The US military must take preventive measures to ensure further radicalization of those individuals who may not necessarily have previously held those views. To accomplish this, the US detainee operations program requires modification to prevent further radicalization of those detainees under US control. It must design logical lines of operations to accomplish this goal by placing greater emphasis and focus its efforts below the surface of the entry and exit phase of the “Jihadist Cycle” as illustrated in figure 1.

The tasks are not easy to execute and the measures of effectiveness and performance are even more difficult to assess as have been demonstrated by the release of previous detainees. According to Pentagon officials, at least ten detainees released from the strategic internment facility at Guantanamo Bay, have been recaptured or killed fighting US or coalition forces in Pakistan and Afghanistan; this after US officials concluded they posed little threat.⁷

American Counterterrorist Efforts Focus on Jihadist Operations but Ignore Phases in the Jihadist Cycle That Fall Below the Surface

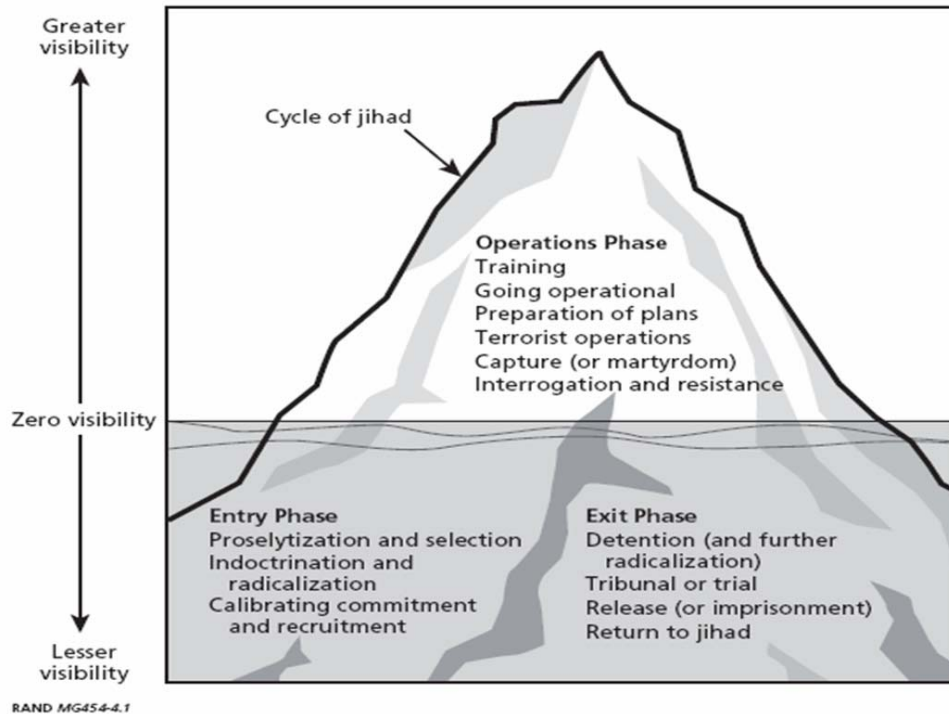


Figure 1. Jihadist Cycle

Source: Brian Michael Jenkins, *Unconquerable Nation: Knowing Our Enemy, Strengthening Ourselves* (Santa Monica, CA: RAND Corporation, 2006), 123.

While the US Army conducts its core competencies in support of the Global War on Terrorism to deter and defeat the most visible elements of the radical extremist ideologues, detainee operations remain critical for the Army to maintain sustained land dominance, shape the security environment, and support civil authorities. Additionally, detainee operations must support the Army's full spectrum operations during stability operations by preventing further radicalization of detainees.⁸ The current objectives as listed in the Department of the Army, Field Manual (FM) 3.19-40, which is the doctrinal manual for the conduct of detainee operations, are to "process, handle, care for, account for, and secure . . . [detainees]."⁹ These current objectives are merely tasks not

objectives. Simply put, the objective of detainee operations should be to detain enemy combatants and to prevent combatants from continuing the fight against the US and its allies. It should include a process to identify enemy combatants' threat and intelligence value. In the end, an effective detainee operations program becomes a shaping effort for current and future operations against the current enemies and winning the War on Terrorism.

Historical Background

The US military has been conducting some form of detainee operations since the Revolutionary War. The formalization on the treatment of detainees was finalized in 1947 with the Geneva Hague Protocols under the "Laws of Land Warfare." Historically, the US military's detainee operations' doctrine is founded on the principles of release or repatriation of prisoners of war or Retained Persons (RPs) upon completion of conflict and or handed over to another entity, organization, or host nation authority. This trend has been consistent throughout every conflict the US military has been involved in since the Korean War through Desert Storm.

In Korea, transfer of authority was given to the South Koreans; in Vietnam, it was the noncommunist Republic of Vietnam forces; in Grenada, custody of detainees was transferred to a Caribbean peacekeeping force; in Panama, the host nation control transitioned as quickly as feasible; in Desert Storm, the Kingdom of Saudi Arabia assumed control of the detention and repatriation mission. Historical evidence illustrates that the detainee operations' mission is one the US military has tried to avoid burdening tactical commanders with throughout the majority of its conflicts. The significant of this fact is that not much emphasis is placed on this task, yet as the detaining power, the US is

ultimately responsible for the conduct of the Soldiers and CIs under US control, and for the overall treatment of detainees with the US coalition.

The term “detainee” became the common language with US operations in the Balkans. In Kosovo, the US was not at war and acting under “International Mandate” so the US did not have EPWs. Under this mandate, the US had authority to retain or detain persons in order to enable and ensure a “safe and secure” environment, which is a broad criterion for operational commanders. War tribunals were not used to determine detainee status, but rather was the result of a combined effort between military police, military intelligence, Staff Judge Advocates, and tactical commanders. Kosovo became the turning point on how the US conducts detainee operations. Due to the success and the methods used there, it became the basis of how detention operations are executed today.¹⁰

As of May 2007, the US military operates four theater internment facilities and one strategic internment facility. In Iraq, the US military operates three theater internment facilities at Camp Bucca, Camp Remembrance II, and Camp Cropper and one at Bagram, Afghanistan. The US military operates the only strategic internment facility at Guantanamo Bay, Cuba. While the US plan is currently to hand over responsibility of detainees at the theater internment facility level, the question remains what to do with those detainees at the strategic internment facility?¹¹

Defining Terms

At the foundation of understanding and establishing a successful internment or detention facility, one must understand the categories of detainees and the effects their classification has on the overall operation. In accordance with FM 3-19.40, detainees fall within four categories: EPW, RP, CI or other detainee.¹² These categories fall under one

of two categories under the *Military Commissions Act of 2006*. The two categories are: unlawful enemy combatant and lawful enemy combatant. Unlawful enemy combatant has a subcategory of co-belligerent.

An EPW is a lawful enemy combatant and is a member of an enemy's armed forces, a militia, or a volunteer corps forming part of an enemy's armed forces. A person responsible for subordinates must command the force, the organization is fixed, and therefore, members wear a distinctive sign that are recognizable at a distance. Members also carry arms openly and operate according to the laws and customs of war. All enemy personnel are presumed to be EPWs immediately upon capture until a competent military tribunal, according to Army Regulation (AR) 190-8, can determine status. The EPW is perhaps the easiest detainee to categorize and is afforded all rights under the GPW.

A RP is a person whom is a member of the medical service or a chaplain attached to an enemy's armed forces. A RP is similar to an EPW in that he or she is afforded additional privileges due to their profession.

The most prevalent detainee, currently in US custody, is the CI. The CI can also be categorized as an unlawful enemy combatant or co-belligerent. The CI is a person who is interned during armed conflict or occupation if he is considered a security risk or if he needs protection because he committed an offense against the detaining power. Additionally, the CI is protected under the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GPW), 12 August 1949.¹³

The final category of detainee is the other detainee. This category is the catch all for detainees that have not been classified. The other detainee will maintain the status of an EPW until a legal competent authority can determine legal status.

The US military's contemporary operating environment (COE) is heavily engaged in stability operations, which creates today's greatest challenge of fighting a nonstate supported ideological enemy. Under the current COE, the prisoner of war has become minimized and requires a modified approach to handle an enemy who is categorized as an unlawful enemy combatant or co-belligerent under the *Military Commissions Act of 2006*.¹⁴ These new enemies are often insurgents (ideological and or radicals) and or common criminals. As previously mentioned with CIs, the US policy states all detainees will be treated in accordance with the principles of the GPW, regardless of status.¹⁵

As previously mentioned, the current objectives of internment and resettlement operations are to "process, handle, care for, account for and secure . . . [detainees]."¹⁶ Without programs in place, these objectives imply that the US detainee operations program serves as a punitive system of incarceration rather than the more effective corrections system of rehabilitation. Missing is the purpose to prevent combatants from continuing the fight, especially upon release or repatriation.

Critical to US military policy and doctrine for detainee operations are the release or repatriation of detainees and or the transfer of authority of internment facilities to host nation authorities. When release or repatriation occurs; it is in the best interest of the US that an effective shaping operation be in place to prevent radicalization or criminalization of those detainees release or repatriated back into society.

Every penal system in the world faces a similar dilemma when dealing with its prisoners. Defining the objectives of the detaining authority and understanding its intent are important factors when determining the detention of personnel. How does the commander achieve his objective? Is the commander's intent to incarcerate or rehabilitate

its criminal offenders? What method is most effective? These questions define the US military's tactical problem when conducting detainee operations; and there must be clear, logical lines of operations to achieve the overall goals as listed in FM 3-19.40 to include release or transfer of detainees and preventing further radicalization of detained persons.

Chapter 2 will cover the fact that while there are plenty of laws, directives, regulations, and manuals on detainee operations and insurgency, these references do not solve the root problem under the COE. They are written and directive to be a quick fix to a long-term problem. Most are based on the assumption that the US military will fight a conventional force that uses conventional methods of war fighting; the (laws and policy) are not based on the COE which implies the US is fighting a war of ideologies that according the *National Security Strategy* will be a "Long War."¹⁷ Based on the assumption that the US is fighting a war of ideologies, it is imperative to define the enemy. Who are the detainees in the internment facilities? Initial assessment indicates that these individuals are Islamic extremist (the neo-Salif Sunni, Wahhabist, and Takfiris) symbolized by al-Qaeda;¹⁸ however, they are also the local populace and foreign fighters (both supporters and fence sitters) in the region that differ in culture, ethnicity, and socio-political differences.

The local populaces are those who are looking for a better life and their purpose for living is to support themselves and their families. The foreign fighters have the similar goals but their ways of achieving these goals are often extreme. Supporters are those that do not necessarily care for US forces but see a need to cooperate with them for security and economic reasons. The center of gravity for both the insurgents (extremist) and counterinsurgents (US coalition forces) are the fence sitters. The fence sitter is the

majority of the population and is waiting to decide who they will support.¹⁹ While not all fence sitters are ideological extremists, they can easily be manipulated to support the one who provides the most, and this becomes the target audience for the insurgents and counterinsurgents.

Chapter 3 will cover the methodology of this thesis to prevent internment or detention facilities from becoming breeding grounds for ideological extremism. It will address the logical lines of operations to defeat the insurgency from within the wire and to keep supporters and fence sitters from further becoming an insurgent while in US custody. Logical lines of operation provide a method for commanders to visualize and adjust operations over time, space, and purpose to operational objectives and strategic end-state(s). Security and intelligence will be imperative in tying the logical lines of operation together.

Chapter 4 will analyze the significance of the available data and put it into context for the conclusion and recommendations. The National Detainee Registration System will provide the required statistical data for the analysis chapter. The challenge becomes analyzing the variations that affect the dynamics of the internment facility. Control measures are difficult to implement to evaluate the empirical data. Establishing an intense intelligence operations program will be critical in determining who are the ideological extremists, supporters, and fence sitters. Once these detainees are identified and classified, the question becomes, Should the US establish programs to treat these detainees differently as the means to the strategy? Chapter 4 will further analyze this question and provide recommendations in chapter 5.

As previously mentioned, many laws and regulations govern the US military detention doctrine; however, this doctrine is based on providing for the basic life support requirements: food, water, shelter, medical, and security. Providing for these basic life support requirements does not necessarily mean success to the overall National Security Strategy. The US military must develop courses of action to ensure the problem, detainees who are supporters or fence sitters, do not become part of the larger problem (more radical extremist). The challenge will be developing logical lines of operation that are suitable, feasible and acceptable, not only to the implementers (US coalition forces) but the recipients as well (detainees). Chapter 5 will recommend logical lines of operations to be adopted by the US detainee operations program. Additionally, it will provide recommendations to modifying the detainee operations programs objectives and the resources (ways) and the means (programs) necessary to achieve its objective.

¹Steve Fainaru and Anthony Shadid, *Washington Post Foreign Service*, 24 August 2005, A01; available from <http://www.washingtonpost.com/wpdyn/content/article/2005/08/23/AR2005082301525.html>; Internet; accessed 7 February 2007.

²Chris Zamelis, "Radical Networks in Middle East Prisons," *Terrorism Monitor* 4, no. 4 (May 2006): 7.

³Ian M. Cuthbertson, "Prisons and the Education of Terrorist," *World Policy Journal* (fall 2004): 15.

⁴Statistics were effective 20 November 2006. Provided by Colonel Barry B. Coble, USAF, OSD Detainee Affairs, Office of the Provost Marshal General, Pentagon, Washington, DC.

⁵Department of the Army, Field Manual (FM) 3-19.40, *Internment/Resettlement Operations* (Washington, DC: Government Printing Office, 2001), 1-7.

⁶US Department of Justice, Office of The Inspector General, *A Review of the Federal Bureau of Prisons' Selection of Muslim Religious Services Providers* (Washington, DC: Government Printing Office 2004); 1-2.

⁷John Mintz, “Released Detainees Rejoining the Fight,” *Washington Post*, 22 October 2004, A01; available from <http://www.washingtonpost.com/ac2/wp-dyn/A52670-2004Oct21>; Internet; accessed 10 October 2006.

⁸Department of the Army, Field Manual (FM) 1, *The Army* (Washington, DC: Government Printing Office, 2005), 3-26. The Army’s conducts three types of operations--offensive, defensive, and stability reconstruction--as part of overseas joint campaigns.

⁹Department of the Army, FM 3-19.40, 1-13.

¹⁰United States Army Military Police, Training Support Package 191-3425, *Introduction to Detainee Operations* (Washington, DC: Government Printing Office, 10 November 2005).

¹¹ The strategic internment facility is beyond the scope of this thesis. This thesis focuses on detainee operations at operational and tactical level.

¹²Department of the Army, FM 3-19.40, 1-4 to 1-10.

¹³Department of the Army, Army Regulation (AR) 190-8, *Enemy Prisoners of War, Retained Personnel, Civilian Internees, and Other Detainees* (Washington, DC: Government Printing Office, 1997), 5-1.

¹⁴US Congress, *Military Commissions Act of 2006*, 109 US Cong., 2nd sess., 2006. 109 US Congress of the United States, *Military Commissions Act of 2006*, defines “(A) Unlawful Enemy Combatant - (i) a person who has engaged in hostilities or who has purposefully and materially supported hostilities against the United States or its co-belligerents who is not a lawful enemy combatant (including a person who is part of the Taliban, al Qaeda, or associated forces); or ‘(ii) a person who, before, on, or after the date of the enactment of the Military Commissions Act of 2006, has been determined to be an unlawful enemy combatant by a Combatant Status Review Tribunal or another competent tribunal established under the authority of the President or the Secretary of Defense. (B) CO-BELLIGERENT. In this paragraph, the term ‘cobelligerent’, with respect to the United States, means any State or armed force joining and directly engaged with the United States in hostilities or directly supporting hostilities against a common enemy.”

¹⁵Donald Rumsfeld, Memorandum for Chairman of the Joint Chiefs of Staff. Subject: Status of Taliban and Al Qaeda (Washington, DC: Government Printing Office, 19 January 2002), 1.

¹⁶Department of the Army, FM 3-19.40, 1-13.

¹⁷The White House, *The National Security Strategy* (Washington, DC: Government Printing Office March 2006); available from <http://www.whitehouse.gov/nsc/nss/2006>; Internet; accessed 10 October 2006.

¹⁸Anthony Cordesman and Arleigh A. Burke. *Winning the “War on Terrorism.” The Need for a Fundamentally Different Strategy* (Washington, DC: Center for Strategic and International Studies, 2006), 2.

¹⁹Peter W. Chiarelli and Patrick R. Michaelis, “Winning the Peace: The Requirement for Full-Spectrum Operations,” *Military Review* (July-August 2006): 3.

CHAPTER 2

LITERATURE REVIEW

The infamous Abu Ghraib scandal and unlawful detention of enemy combatants at Guantanamo Bay, Cuba, have increased the awareness of US military detainee operations. The public and the military leadership have placed greater emphasis on US military detainee operations, which has created new policy and methods of dealing with detainees. The literature review for this thesis is three fold. The first genera of literature are directive in kind with regards to detainee operations. It encompasses international and national law and national and military directives, policies, and regulations. The second genera are focused on US and international guidelines for corrections and or prison operations. The third genera are focused on counterinsurgency and enemy threat under the COE.

The available literature clearly shows that there are plenty of reference materials that cover detention of EPWs and detention of common criminals under the umbrella of corrections. A gap appears to be evident with the US military's handling of other detainees and unlawful enemy combatants. The bridging material necessary of US military detainee operations appears to be the programs required to ensure unlawful enemy combatants do not infect other detainees and that the military maintain a low recidivism rate of detainees release or repatriated back to society.

International and United States Military Law and Policy

At the foundation of all laws and policies for the handling and treatment of detainees are the Geneva Conventions relative to the *Treatment of Prisoners of War and*

Civilian Persons in Time of War;¹ more specifically, common article 3 and article 5. Article 3 provides minimal rules applicable to “armed conflicts not of an international character occurring in the territory of one of the High Contracting Parties.”² Common article 3 is now widely considered to have attained the status of international law, as it originally was a “compromise between those who wanted to extend POW [prisoner of war] protection to all insurgents and rebels and those who wanted to limit it to soldiers fighting on behalf of a recognized State.”³ Article 5 provides for the detention of civilians who pose a definite threat to the security of the occupying power. Regardless of how the Geneva Conventions were or are interpreted, the U.S. Supreme Court ruled in *Hamden versus Rumsfeld* that all detainees are entitled at least to the minimum protections required under common article 3 which is why Congress enacted the *Detainee Treatment Act of 2006* (P.L. 109-163) which prohibits cruel, inhuman, or degrading treatment of detainees in US custody regardless of their geographical location.⁴ These Conventions have a significant impact on US law and military policy and directives.

At the core of the US literature are the US *National Security Strategy* and *Military Security Strategy*. These are the driving force for all military operations. These two documents provide the foundational guidance to the ends, ways, and means for US military operations. While these documents are broad in scope, they provide guidance and create US military policy such as Department of Defense (DoDD) 3000.05, Joint Doctrine, Army Regulations (AR), and FMs. With greater emphasis on stability operations as a core US military mission in support of the Global War on Terrorism, DoDD 3000.05 directs that US military forces shall be prepared to perform all tasks necessary to establish or maintain order when civilians cannot do so, specifically: “4.3.1.

Rebuild indigenous institutions including various types of security forces, correctional facilities, and judicial systems necessary to secure and stabilize the environment.”⁵

Specific to detainee operations are the US Army Military Police documents: AR 190-8, *Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees* and the FM 3.19.40, *Military Police Internment/Resettlement Operations*.

These military documents are excellent resources that provide guidance on the necessary requirements to establish and operate a detention facility; however, they are outdated and do not account for operations under the COE; these documents do not accurately address the paradigm shift of detainee operations from maintaining custody of EPWs to detention of unlawful enemy combatants. The detention of unlawful enemy combatants fall more into the realm of detaining common criminals in which detention of these detainees should be focused more towards a corrections or prison environment.

Another critical military document that affects detainee operations and this thesis is FM 2-22.3, *Human Intelligence: Collector Operations*. While this document is broad in scope to the collection of human intelligence, it is critical to understanding the methods of collecting data from detainees in order to conduct the proper analysis. Of importance, this FM reinforces that all detainees be treated in accordance with applicable law and police such as DoDD 3115.09, *DoD Intelligence: Interrogations, Detainee Debriefings and Tactical Questioning*, and DoDD 2310.1E, *The Department of Defense Detainee Program*. Additionally, based on Major James F. Gebhardt’s study, “The Road to Abu Ghraib: US Army Detainee Doctrine and Experience,” seven military intelligence interrogation doctrinal field manuals published over a 40 years period found that military

intelligence interrogation manuals have been consistently grounded in the Geneva Conventions.⁶

Once again, these policies do not vary from what is directed by international law but in FM 2-22.3 it cautions interrogators on dealing with non-EPWs, and when in stability and reconstruction operations and civil support operations, detainees are often politically motivated and resist most approaches for intelligence gathering.⁷

United States and International Guidelines for Corrections

In terms of corrections, the fundamental thesis statement question is, how does the US military reduce the rate of recidivism within the context of detainee operations? In other words, how does the US prevent detainees from becoming insurgents upon repatriation? Analyzing US and international guidelines for corrections is critical to answer this question. The supporting literature that exists is extensive. Perhaps the most useful document is the *United Nations (U.N.) Practical Guidelines for the Establishment of Correctional Services within U.N. Peace Operations*.⁸ This document provides clear guidance to better understand the role of corrections in the establishment of a healthy stable society by utilizing an effective penal system through corrections while conducting peace support operations and establishing good governance. These guidelines have eight themes: capacity building; knowledge and understanding; recruiting requirements; good governance; professional judgment; shared learning; team synergy; and professional acumen. Additionally, it focuses on best practices of corrections. While this publication provides guidelines for establishment of UN corrections, other professional literature books are available, such as *Corrections in America: An introduction*, and *We Are the*

Living Proof: The Justice Model for Corrections which provide examples of effective prison systems.

Of interest, Coalition Provisional Authority Memorandum Number 2, Management of Detention and Prison Facilities, highlight many of the best practices identified in the above sources; however, the gap appears to fall within the paradigm shift of dealing with EPWs to unlawful enemy combatants.

There are various professional studies that provide strategies for reducing recidivism and that conduct meta-analysis for determining what works to reduce recidivism.⁹ These studies provide valuable insight to what does and does not work within the penal system. Common themes found in these studies are that programs with more resources often are more successful than those with minimal resources. Understanding what works and does not work from tried and tested systems can be applied to filling the gap in addressing the problem with detainee operations.

Counterinsurgency

David Gulula points out that the way one treat the detainees will greatly affect the threat and the enemy.

Demoralization of the enemy's forces is an important task. The most effective way to achieve it is by employing a policy of leniency toward the prisoners. They must be well treated and offered the choice of joining the movement or be set free, even if this means that they will return to the counterinsurgent's side.¹⁰

There are multiple professional books, magazines, journals, and government documents that address stability operations, specifically defeating an insurgency. While there is no single solution to defeat an insurgency, there are various tactics, techniques, and procedures that work better than others.

David Galula's, *Counterinsurgency Warfare: Theory and Practice*, provides insight into methods for counterinsurgents to understand and defeat insurgencies. The theory and practice of counterinsurgency as described by Galula can be applied to defeating an insurgency within the wire. In fact, if his theory holds true, based on the control measures already established within internment facility, the defeat mechanisms should be easier to apply. Galula points out that the insurgent's objective is the population and to disassociate the population from the insurgent and to be able to control it physically and gain its active support enable the counterinsurgent to win the war.¹¹

Robert Taber's, *War of the Flea*, writes about "Oil slick" operations which refer to counterinsurgent forces secure geographical sectors in a methodical sequence; similar is the current Operation Iraqi Freedom tactic of clear and hold. This tactic also has practical application to defeating the insurgencies within the wire. Internment facilities are often broken down into compounds and sub-compounds, utilizing Taber's methodology can assist in the control and defeat of the insurgent threat within the overall facility. Similar are articles like Anthony Cordesman's, *Winning the "War on Terrorism:" The Need for a Fundamentally Different Strategy*, and in the *Infantry Magazine's* article, "The So What," provides great insight on methods that can be applied within detainee operations. While these documents refer to operations within the COE, the principles can easily be applied within detainee operations.

Highlighted in "The So What" article and others like "Networks: Terra Incognita and the Case for Ethnographic Intelligence" point out the importance of understanding culture and the need for a strong understanding of culture. Intelligence operations play a significant role in understanding the intentions of a society and its communities. These

two articles highlight the need to develop what is known as “social networks analysis” to develop associations and forms of organizations within a community.

Other literature that is similar to this thesis is a monograph by Major James Dooghan, a US military officer, “Muslim Prison Ministry: Hindering the Spread of the Radical, Militant, Violent and Irreconcilable Wing of Islam.” While this monograph address one of the means of solving the problem, establishing antiviolent Islamic ministry teams, it is not all encompassing and does not address the additional systems and or line of operations available to the US military.

The Army capstone doctrinal manual for Counterinsurgency, FM 3-24, provides doctrinal methodology for counterinsurgency operations which can be summarized by the monograph written by Major Matthew Cody, “Leveraging Logical Lines of Operation in COIN” in that he suggests that logical lines of operation provide the best and most versatile methodology for framing, visualizing, and measuring the effectiveness of counterinsurgency operations.¹² Additionally, FM 3-24 provides a doctrinal template to effectively implement counterinsurgency operations.

In review of all available literature, many sources of international and US law and policy govern US detainee operations. There are also many sources of literature that involve corrections. The identified gap remains the means of reducing recidivism within detainee operations by utilizing best practices of already established US correction and counterinsurgency operations programs.

¹The four Geneva Conventions for the Protection of Victims of War, Dated 12 August 1949, were ratified by the United States on 14 July 1955. These are the *Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, 6 U.S.T. 3115 (Geneva Convention 1); the *Convention for the*

Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 6 U.S.T 3219 (Geneva Convention II); the *Convention Relative to the Treatment of Prisoners of War*, 6 U.S.T. 3517 (Geneva Convention III); and *Convention Relative to the Protection of Civilian Persons in Time of War*, 6 U.S.T 3317 (Geneva Convention IV). Society of Professional Journalists, Geneva Conventions a Reference Guide; available from <http://www.genevaconventions.org/>; Internet; accessed 3 December 2006.

²Society of Professional Journalists, *Convention Relative to the Treatment of Prisoners of War*.

³Jennifer K. Elsea, CRS Report RL32567, *Lawfulness of Interrogation Techniques under the Geneva Conventions*, 8 September 2004; available from <http://www.fas.org/irp/crs/RL32567.pdf>; Internet; accessed 3 December 2006.

⁴For a summary and analysis of the Hamdan decision, see Jennifer K. Elsea, CRS Report RS22466, *Hamdan v. Rumsfeld: Military Commissions in the Global War on Terrorism*, 6 July 2006; available from <http://www.fas.org/sgp/crs/natsec/RS22466.pdf>; Internet; accessed 3 December 2006.

⁵Department of Defense, Department of Defense Directive 3000.05, Subject: Military Support for Stability, Security, Transition, and Reconstruction (SSTR) Operations, 28 November 2005; available from http://www.dtic.mil/whs/directives/corres/pdf/d300005_112805/d300005p.pdf; Internet; accessed 7 October 2006.

⁶James F. Gebhardt, Occasional Paper 6, *The Road to Abu Ghraib: US Army Detainee Doctrine and Experience, Global War on Terrorism* (Fort Leavenworth, KS: Combat Studies Institute Press, 2005), 123.

⁷Department of the Army, Field Manual (FM) 2-22.3, *Human Intelligence Collector Operations* (Washington, DC: Government Printing Office, 2006), 8-78.

⁸National Institute of Corrections, *United Nations Practical Guidelines for the Establishment of Correctional Services within United Nations Peace Operations*, 21 August 2000; available from <http://www.nicic.org/Library/018919>; Internet; accessed 7 October 2006.

⁹Lisa McKean, Ph.D., and Charles Ransford, *Current Strategies for Reducing Recidivism*, Center for Impact Research, 2004; available from http://thecommongood.org/CGN/3_17/ExecSumReducingRecidivism.pdf; Internet; accessed 3 December 2006; and Paul Gendreau, Tracy Little, and Claire Goggin, "A Meta-Analysis of the Predictors of Adult Offender Recidivism: What Works!" *Criminology* 34, no. 4 (November 1996): 3.

¹⁰David Galula, *Counterinsurgency Warfare: Theory and Practice* (United States of America: Frederick A. Praeger, Inc, 1964; reprinted, United States of America: Frederick A. Praeger, Inc., 2005), 51 (page citations are to the reprint edition).

¹¹Ibid., 27

¹²Matthew J. Cody, “Leveraging Logical Lines of Operations in COIN”
(Monograph, School of Advanced Military Studies, Fort Leavenworth, Kansas, 2005), 7.

CHAPTER 3

RESEARCH METHODOLOGY

The methodology to analyze the research question and determine its validity will be by identifying and capturing logical lines of operations common to case study analysis and comparison based on best practices of established US detainee doctrine, traditional corrections, and counterinsurgency operations. The US military currently finds itself in a precarious situation as identified in chapter 1, therefore, logical lines of operations must be developed by commanders as part of their operational design to defeat insurgencies from within the wire.

Before a staff can begin to design effective logical lines of operations, the staff must fully comprehend the objective or commander's end state. Chapter 4 will analyze the current doctrinal objectives of detainee operations and demonstrate where there are doctrinal gaps to shift to a proposed objective.

Every US detainee in custody is a lawful or unlawful enemy combatant; some pose a greater threat or have the potential of becoming a greater threat than others. Logical lines are critical "when positional reference to an enemy or adversary has little relevance,"¹ as is the case within detainee operations; positional reference has a minimal relevance. Logical lines of operation provide a cognitive method for designing operations in a complex operating environment specifically against those that hide amongst a population. They provide a relationship between political, military, social, and economic lines or conditions with operational and strategic end states, unlike physical or geographic lines of operations, which capture the relationship between friendly and

enemy forces along a geographic line that connects the base of operations with an objective.

The logical lines of operation for detainee operations must be directly related to one another and must internally connect actions within the system to support the overall purpose. The use of logical lines of operations within detainee operations will need to be designed over an extended period of time, it can be event driven, and must have goals with defined measures of effectiveness and performance.²

The logical lines of operations chosen for this study are specified and implied tasks in achieving the overall objective of detainee operations. Figure 2 captures the objective and logical lines to reach and achieve the desired end-state. While every logical line is important to achieve the commander's objective, some logical lines of operation are essential to prevent radicalization or further radicalization within detainee operations. The essential logical lines of operations to be covered, which will be referred to as the "Big Three" lines are security, intelligence, and information operations. The Big Three tie all the other lines together. Additionally, chapter 4 will address other tasks within the other logical lines that have significant connections for reaching the overall commanders objective.

Detainee Operations Logical Lines of Operations

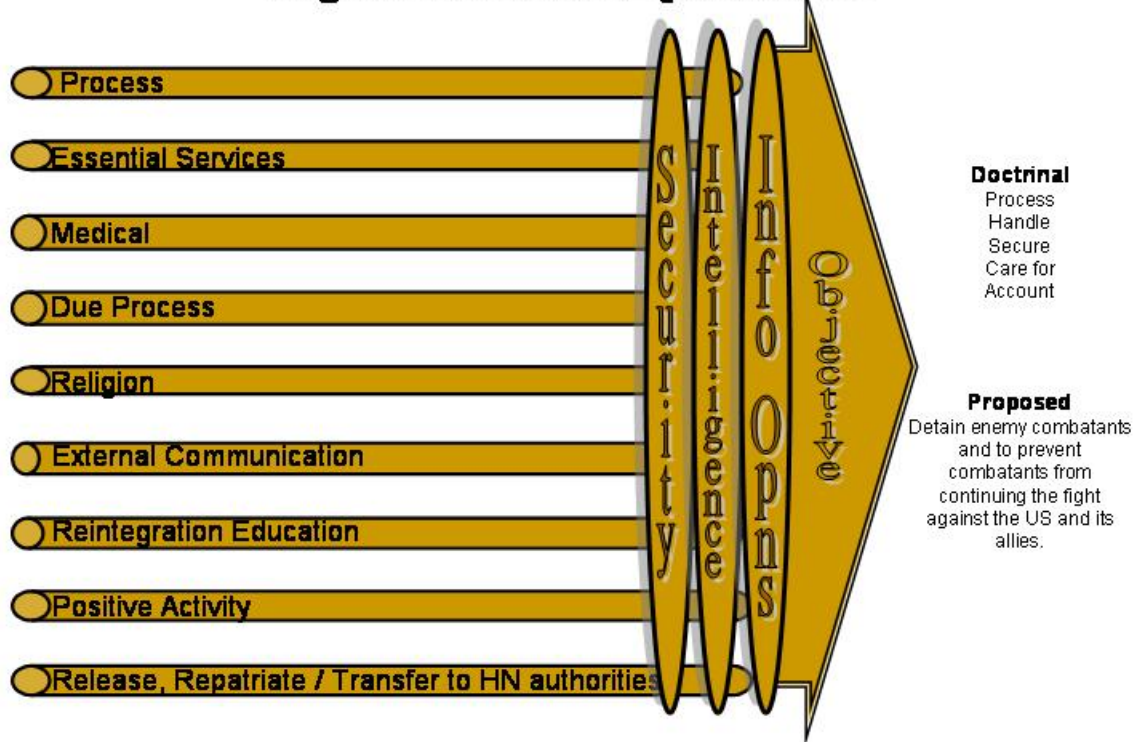


Figure 2. Logical Lines of Operations in Detainee Operations

¹Department of the Army, Field Manual (FM) 3.0, *Operations* (Washington, DC: Government Printing Office, 2001), 1-13.

²Department of the Army, Field Manual (FM) 3-24, *Counterinsurgency* (Washington, DC: Government Printing Office, 2006), 5-11.

CHAPTER 4

ANALYSIS

Getting to the Objective

It is all about end state. Getting to end state requires the achievement of the commander's objectives. Improperly defining the objective and end state can mean mission failure, which is why proper identification is critical in the development and identification for any operation. Every one, at all levels, must understand the end state and objective while considering factors within COE.

The US military and civilian corrections, and US military detainee operations are two completely different programs. The US Army correction's objectives, and similarly civilian corrections, are to provide a safe and secure environment for the incarceration of military offenders; protect the community from offenders; and prepare military prisoners for their release with the prospect of becoming a productive individual by conforming to the offender's environment.¹ On the other hand the US military detainee operations objectives are to process, handle, secure, care for, and account for EPWs, CIs, RPs, other detainees, and DCs. The significant differences noted are two-fold, primarily with the protection of society from offenders and the preparation for release to be productive members of society. These two objectives are not adequately addressed in the detainee operations program objectives.

The objectives of the detainee operations program have been modified over time. The 1967 version of FM 19-40, *Enemy Prisoners of War, Civilian Internees, and Detained Persons*, listed five objectives: intelligence acquisition, escape prevention, promotion of proper enemy treatment of US prisoners of war, weakening of enemy will

to resist capture, and maximize use of EPWs as a labor source.² In 1976, the objectives were reduced to three: implementation of Geneva Conventions, humane and efficient care of detainees with full accountability, and appropriate support of the military objectives of the US.³ In 2001, the objectives were modified to four: process, handle, secure, care for and account for detainees. The objectives have been modified over time based on history, theory, and modification to doctrine. While the objectives have changed, the principles of detainee operations have not been changed significantly. It is perhaps the 1976 Field Manual that has the greatest implication to today's COE in that it is to be a shaping operation that supports the overall objectives of the US.

Complexity within the COE of detainee operations makes it difficult for the commander to achieve his objective. Complexity has numerous interactions and relationships within the environment which makes it more difficult to reduce the problem into subcomponents like a complex problem. The operational design to reach the objective within detainee operations necessitates the use of logical lines of operations due to its complexity as “logical lines of operations provide a way to help the planner ‘model’ and adapt to the complex dynamics of the counterinsurgency environment.”⁴ Analysis of the various systems and interactions within the internment facility should allow the staff to analyze progress and make effective recommendations to the commander. The illustration of the logical lines of operations and their supporting tasks are at figure 3.

Detainee Operations

Logical Lines of Operations

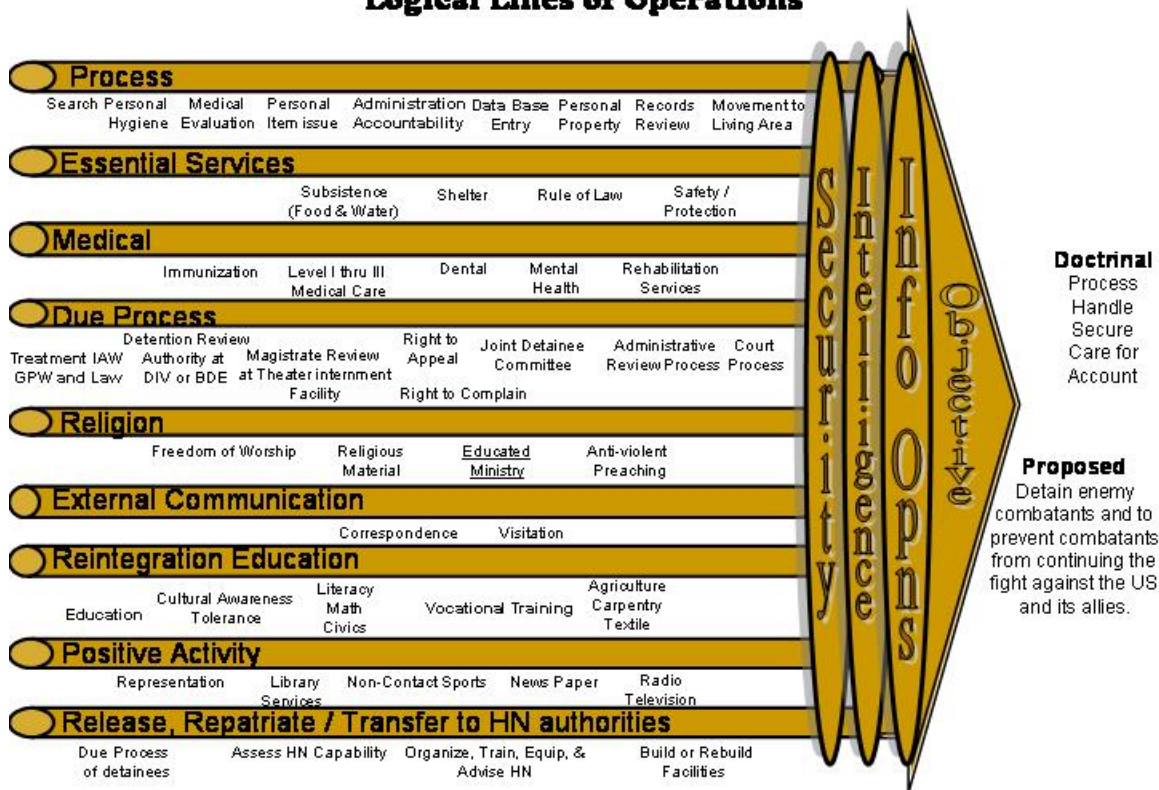


Figure 3. Detainee Operations Logical Lines of Operations

Process

Detainee operations begin from the point of capture and end upon repatriation or transfer to host nation authorities with the desired objective to detain both friendly and unlawful enemy combatants from continuing the fight against the US and its allies.

Identification of the enemy is critical when conducting any warfighting task. The first significant logical line to defeat an insurgency within the wire begins with the process.

Upon capture, security forces process detainees within the principles of: search, tag, report, evacuate, segregate, and safeguard; detainees must be treated in accordance

with the GPW during this process. Processing a detainee into US custody remains a critical task as it can have a significant impact on how an individual responds to the rest of his or her detention under US custody. There are nine stations for in processing a detainee; two stations: administrative accountability and segregation of the detainees are significantly more important to defeating an insurgency from within the wire and future operations against potential threats. The security logical line of operation is just as important and will be thoroughly covered under the Big Three.

Administrative accountability begins with establishment of the detainee record. Within detainee operations, some of the “enabling technology” and databases are the Detainee Registration System and the Biometrics Automated Tool Set (BAT). While the Detainee Registration System assigns an internment serial number and creates the detainee file, BAT captures the identity of the detainee. These tools enable further classification of the detainee, which enables staff to make better decision for segregation prior to movement within the compound.

The BAT is a key “enabling technology” that captures individual biometrics. Biometrics are measurable physiological and behavioral characteristics that establish and verify an individual’s identity. It is a multimodal biometric system that collects and compares fingerprints, iris images, and facial photos and is effectively used to enroll, as well as builds, digital dossiers on individuals.⁵ The significance of the BAT is that it allows the US to discern between individuals. It creates a psychological effect that creates a sense of accountability in the identity of an individual. No longer can a detainee claim a different alias. While this is an effective tool within detainee operations, its full utility is not being maximized to the field commander. It must be properly integrated into missions

in the field, especially when conducting counterinsurgency operations. The BAT, when used both in the field and within detainee operations, will definitely enable commanders to produce clearer measures of effectiveness and performance when dealing with enemy combatants.

Initial detainee classification is based on evidence collected upon capture and on unsupported statements or documentation provided by them. Classification, which was explained in chapter 1, is fully established through the due process line of operation. Once basic classification is established, the more difficult task of segregating detainees follows to prevent problems within the wire. Doctrine clearly identifies the requirement to classify and segregate detainees to “meet their needs and the needs of the detaining power.” However, it does not make it a training task to fully comprehend and understand the ideological, cultural, tribal, and clan differences which if not fully understood can create radicalization and insurgents of the detainee population.

The need to segregate detainees to prevent consternation is not a new problem. During the Korean War, internment administrators did not anticipate the problem of segregation beyond the requirements of doctrine, which were by rank, gender, and nationality. Hard core communist and anticommunist detainees were mixed in an already overcrowded environment. This mix of opposing ideologies led to many instances of assault and murder as each ideological group struggled for control of their respective compound.⁶ Similar problems have occurred in Iraq with the detainee population. Shia, Sunni, Kurd, and Turkmen, to name a few, need to be segregated in order to prevent problems within the internment facility. The physical construction of the facility must facilitate the requirements of segregation. It must additionally prevent overcrowding in

order to allow the commander flexibility to reach his objective. Similar to Operation Urgent Fury in Grenada, detainees in Iraq and Afghanistan do not wear rank nor have an identifiable rank structure. This has the potential of creating many problems but can be mitigated through the intelligence logical line of operation, which also ties the process line together.

Essential Services

Not much analysis is required of the essential services logical line of operation. Essential services are critical and a requirement under the GPW. It includes food, water, shelter, and protection. Added to this line of operation is the establishment and enforcement of the rule of law.

The rule of law has many definitions. Its foundational definition as applied within detainee operations is based on the principle that every member of the facility, to include the detaining power, must follow the rules and laws established. It is a belief that there is a universal standard of justice, equality, and impartiality. Applying and enforcing the rule of law within detainee operations establishes a framework for detainee to operate and reassure the safety and security for both the detainees and internment staff. Without the rule of law, radical extremist can easily capitalize and take advantage of the system thus promoting and developing radical extremist ideologies.

Medical

Similar to essential services, medical services are a requirement in accordance with the GPW. Two medical services that are not addressed and not properly resourced within detainee operations are rehabilitative and treatment services. It is unknown and

perhaps requires further study on the number of detainees under US custody that have mental disorders which require treatment or have chemical dependencies which may have contributed to their actions against the US and its allies.

Multiple studies have been conducted on this topic. One such study conducted by the Developing Justice Coalition in their published report, *Current Strategies for Reducing Recidivism*, found that corrections programs with rehabilitative and treatment services have a lower recidivism rate than those that do not offer any services.⁷ Though costly and time consuming, this tactic could be adopted to reach the overall commanders objectives.

Due Process

Due process within detainee operations is similar to what it means in any society. It is the idea that laws and legal proceeding must be fair and in accordance with the law. Within detainee operations, due process must be administered in accordance with applicable law and under legally constituted authority per the GPW, the Geneva Conventions, the Uniform Code of Military Justice, and the Manual for Courts Martial.⁸

Due process becomes an effective logical line of operation to reach the commanders objective in that it enforces the rule of law and creates a psychological effect on the detainee. The due process model should be briefed and explained to the detainee in order to give the detainee a sense of predictability and assurance that he will be afforded appropriate due process in accordance with the rule of law. The Multi-National Forces-I due process model shown at figure 4 illustrates the due process model. The psychological effect of understanding the crime and punishment is perhaps one of the first steps to acknowledge the crime and lead to potential rehabilitation. It also allows

detainees to appeal decision throughout the due process model. Additionally, due process facilitates the commander's decision to release detainees who are no longer a threat and detain those who remain a threat to the US and its allies.

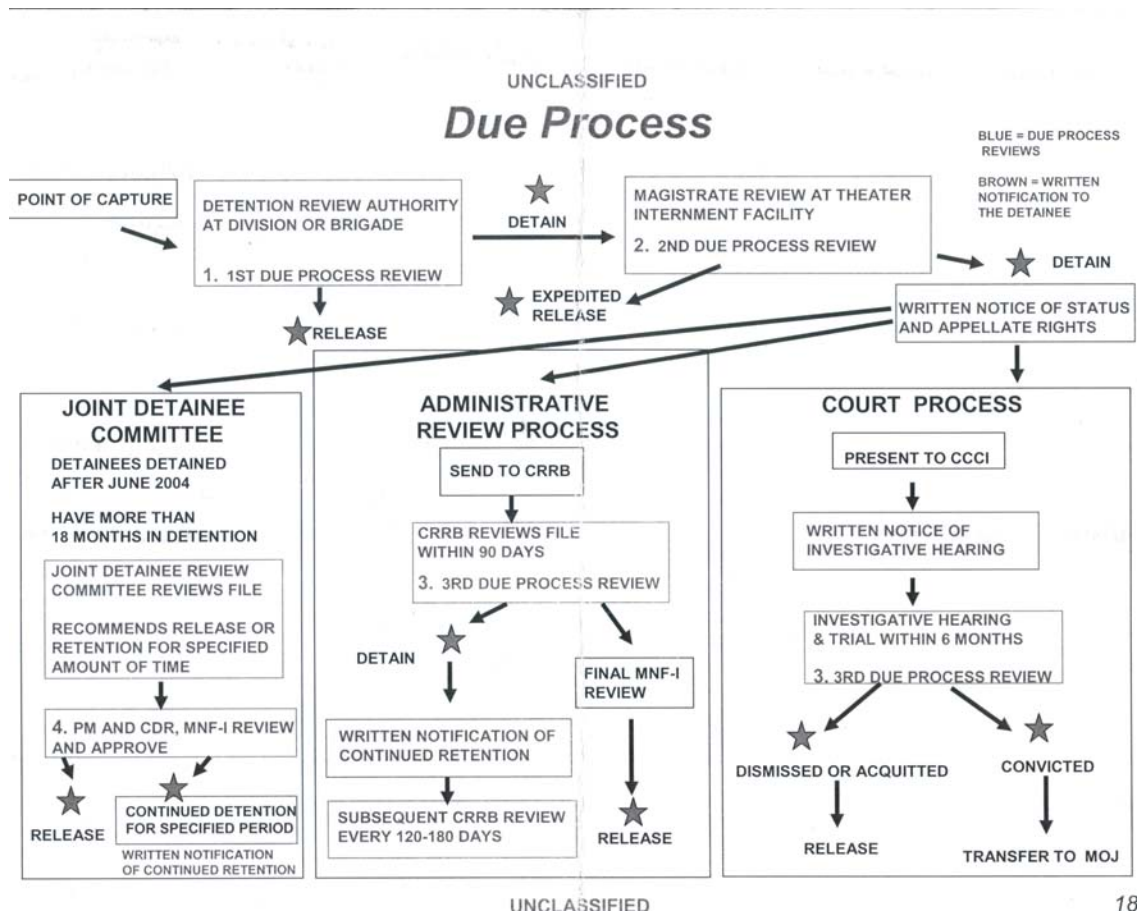


Figure 4. Multi-National Forces-I Detainee Operations Due Process
Source: Command Brief, 16th Military Police Brigade, April 2007.

Security

The number one priority of work is to establish security. In an internment facility environment, it is the military police commander's responsibility to establish security in order to effectively control detainees. A significant planning factor in establishing

security is to accomplish this task with the minimal amount of force. Besides protecting security force personnel from detainees, the commander must protect detainees from external and internal threats. Security is one of the essential logical lines of operations that tie the other lines of operations together; without effective security, the objective can never be achieved.

The commander must ensure he has both sufficient physical construction and security personnel to meet his security requirements. Lack of trained security forces appears to be a common trend at the early onset of every detainee operation. Colonel Mark Inch in his monograph, “Supporting the Restoration of Civil Authority: The Business of Prisons,” clearly points out that there have consistently been deployment gaps of corrections specialist, managers, and engineers to effectively provide systems oversight and safeguards to ensure adherence to international and military standards.⁹

During the Korean War, there was a significant shortage of trained guard personnel to control Camp Kojedo internment facility. Internal security of the camp was so poor that security personnel did not enter the compound at night due to the significant risk to security personnel. In June 1951, there was a significant disturbance that resulted in the death of three detainees and eight seriously wounded by security personnel. The significance of this event was that at the time, due to lack of security, authorities did not recognize the disturbance as an organized event.¹⁰ Similarly, under-resourcing of personnel in both the 800th Military Police Brigade and 205 Military Intelligence Brigade contributed to the abuses at Abu Ghraib.¹¹

Security personnel must be properly trained and must be considered an essential task. Untrained security personnel can often create a greater security risk to overall

operations of the internment facility and can mean strategic failure. In the Korean War example above, the Republic of Korea guards' low level of training and frequent abuse exacerbated the general problem of camp control. This trend appears throughout history as most recently captured by a report filed by the International Committee of the Red Cross in February 2004:

Some CF military intelligence officers told the ICRC that the widespread ill-treatment of persons deprived of their liberty during arrest, initial internment and "tactical questioning" was due to a lack of military police on the ground to supervise and control the behavior and activities of the battle groups units, and the lack of experience of intelligence officers in charge of the "tactical questioning."¹²

Similar findings were reported in Army Regulation 15-6, *Investigations of the Abu Ghraib Prison*. On 5 September 2006, DoDD 2310.01E, *The Department of Defense Detainee Program*, was published to address shortfalls of the US detainee operations program. It also directs all personnel dealing with detainees to "Receive instruction and complete training, commensurate with their duties, in laws, regulations, policies, and other issuances applicable detainee operations."¹³

Security personnel must mutually support every logical line of operations and must be integrated heavily with intelligence and information operations (IO). Security personnel must maintain positive control at all times. When reduction of or relaxation of security occurs, it is often immediately detected and fully exploited. Relaxation of security can easily occur due to the monotony of providing security at a static position and when duties appear routine. To prevent this, leadership must enforce and maintain a high state of discipline, establish a system of routines, and establish and enforce standards of behavior for both detainees and security personnel.

Safeguarding detainees is another requirement in accordance with the GPW. This requirement must begin from the point of capture, to the internment facility and all the way to release, repatriation, or transfer. There are multiple investigations and finding of abuse that have occurred at the point of capture. If the coalition forces military intelligence officers' statistics mentioned in chapter 1 hold true, abuse can easily have a negative galvanizing effect as supporters and or fence sitters are released back to their communities onto radical extremist thoughts and actions. These actions can have significant impact as it did during the Algerian War.

By one estimate, 40 percent of the adult male Muslim population of Algiers (approximately 55,000 individuals) were put through the French interrogation system and either tortured or threatened with torture between 1956 and 1957. This action likely irrevocably alienated the entire 600,000 Muslim population of the city from the French Cause.¹⁴

Tactics that go against the GPW can have a significant impact at the strategic level, which is one of the arguments as to why the French lost the Algerian War. Once again, similar correlations can be made about the incidents at Abu Ghraib, which gave the US a negative strategic blow in world opinion.

The establishment, practice, and enforcement of the rules for the use of force within detainee operations enforce both security and due process. The rules for the use of force must be strictly enforced and explained to both the detainees and the security staff. Enabling technologies must be utilized to allow the commander flexibility in the application of force under various conditions and circumstances. These enablers include the use of less lethal munitions and protective equipment for security staff. Abuse of these enabling technologies can easily turn detainees to radical extremist.

The physical construction and location of the internment facility have just as much of an effect on security as do security personnel. Site selection is perhaps one of the most significant factors that influence all the lines of operations. In accordance with the GPW, the detaining power must not set up places of internment in areas particularly exposed to the dangers of war. In December 1989, the 16th Military Police Brigade occupied the Empire Range training complex during Operation Just Cause in Panama which was approximately ten miles northwest of Panama City. This site had good road access, large open areas to erect camp facilities, permanent shower and latrine facilities, utility hookups, helicopter-landing zones, and it was away from major combat operations. Minimal problems were encountered during Operation Just Cause.

In July 2003, the Commander of the Abu Ghraib internment facility reported twenty-five attacks of shelling by mortars and other weapons, which on several occasions resulted in death or injury of detainees. In August 2003, at least five detainees were killed and sixty-seven were injured due to similar attack of July 2003. Once again, it is very easy for a detainee to turn on to radical extremism when the detaining power should be providing safety and security, yet fails to accomplish this task.

Another physical security factor is to ensure the site is large enough to prevent overcrowding. Overcrowding can cause a myriad of problems. Besides the obvious security risk to the entire facility, not having the ability to properly segregate detainees provides the commander minimal courses of action to achieve his objectives.

Intelligence

The function of intelligence in detainee operations is one of the most critical aspects that tie all other logical lines of operations together to reach the desired objective.

As part of defeating an insurgency from within the wire, it is important to get into the threats decision-making cycle so that appropriate action can be taken.

Intelligence and operations feed each other. Effective intelligence drives effective operations. Effective operations produce information, which generates more intelligence. Similarly, ineffective or inaccurate intelligence produces ineffective operations, which produce the opposite results.¹⁵

Intelligence gathering is the method and the cornerstone of all efforts to curb, suppress, and prevent insurgent activities that is both criminal and disruptive to the safety and security of the outside society, the detainee population and detention facility staff. There are primarily two types of intelligence applicable to the detention setting: tactical and strategic intelligence.

Tactical intelligence is information that can be used to assist in the immediate or short-term investigation, operation, or problem. When there is a situation, tactical intelligence is gathered and action is taken. The action could be anything from apprehension of a wanted suspect, facility lock down, compound search, or transfer of detainees.

Strategic intelligence can be used to support long-range planning, identification of developing problems, enemy combatants, radical leaders, trends, and patterns of detainee behavior. This information can be valuable to both the internment facility and the combatant commander. It can be useful to develop policy, allocate resources, and plan further contingency operations.

The intelligence cycle utilized by military and civilian law enforcement and corrections have variations in naming conventions but come down to a four step cycle. The intelligence cycle includes gathering and collecting, processing and organizing, evaluation and analysis, and dissemination.

The first step is collecting or obtaining raw information. Collection methods are both passive and active collection. Guard personnel need to be passive collectors and submit as much information about detainees on an observation report to the intelligence collectors. Serving as passive collectors reduces the risk of abuse. Active collection is perhaps the most significant data source gained and collected through Human Intelligence or HUMINT. Human Intelligence should be collected through confidential informants, interrogations, monitoring communications attempts with other detainees from other compounds, for example, passing of notes or monitoring mail and conversations that occur during visitation. Critical to this step is to understand what is and is not important information; the objective is to create a series of collection networks that can serve as a vetting source for each other.

The commander's critical information requirements must be understood and disseminated to all guard and intelligence personnel. Additionally, due to limited intelligence assets, it is incumbent upon all detainee staff, to include support personnel, to understand the dynamics of the internment facility. They must be trained to identify inappropriate activity, to understanding the demographics of the facility. Detainee staff personnel must fully comprehend the distribution patterns, which include ethnic and language divisions and religious beliefs. They must understand tribe, clan and sub-clan loyalties, and political sympathies. The detainee staff should be the eyes and ears of the intelligence collectors because they are among the detainees the majority of the time. The detainee staff should provide pieces of the puzzle while the intelligence staff follows up and put the puzzle together.

The second step involves organizing or processing the information, which includes putting it in a form that can be evaluated and analyzed by the staff. This management of information may include entry into a database, such as the detainee management system and target packets.

Evaluation and analysis are the third step that requires the staff to determine the information's relevance, timeliness, reliability of the source, and its validity. Information during this step is often incomplete, contradictory, or may not have a discernable meaning. This step may require some form of social network, pattern or link diagram analysis to assist in identifying the information's usefulness. In 2005, at Camp Bucca, Iraq, an informant provided information on a planned prison break. The significance of this information was that the detainees had been planning and digging a tunnel for a month. The intelligence pieces were there: showers and portable latrines kept clogging, color schemes on the ground had changed, and guards even noticed rising of the ground. Had the informant not provided the information, the detainees would have escaped from within the compound.

Dissemination of the information is the last and perhaps the most important. Information needs to be disseminated to those who need to know, especially the decision makers. The situation and value of intelligence may require verbal or written dissemination. It may produce orders to conduct a compound search or an increase in security. On the other hand, it may just be a verbal order at guard mount for guard personnel to be aware of a potential developing situation. Once again, the information may feed the commander's critical information requirements, which may trigger decision points. An example could be of confirmed information that a detainee cleric is preaching

and in-sighting malicious propaganda against the US and its allies, who may trigger a decision point to relocate or isolate this detainee.

Information Operations

Effective counterinsurgency operations in any environment are all about intelligence and influencing the perceptions of foreign, friendly, and neutral audiences. The doctrinal term for accomplishing these tasks is IO. IO in detainee operations must be tailored to reach objectives by shaping the knowledge and perception of the supporters, fence sitters, and threats. Doctors Ernest F. and Edith M. Bairdain highlight the significance of one element of IO:

Defection is most likely to occur as immediate response to PSYOP messages when appeals are received in the context of some form of military pressure. Where timely persuasive messages are received, the opportunity exists, and defection is feasible to the situation, the potential for inducing defection varies together with the degree of pressure. In the absence of exposure to immediate high external pressure, defection may occur because of the cumulative effects of a series of unrewarding, frustrating, difficult, and intermittently dangerous experience which greatly outweigh any positive features in the total situation.¹⁶

The IO core capabilities necessary within detainee operations are psychological operations, operations security, and military deception.

In Vietnam, constant pressure utilizing IO was implemented. Psychological operations against Viet Cong or North Vietnamese soldiers were used through the Chieu Hoi “Open Arms” program which had a significant impact on the enemy. More than 100,000 enemy soldiers defected to the South Vietnamese by offering them amnesty, job training, financial, and home assistance. Some reverted to the communist side, but overall the program was not as dangerous and a more economical way of reducing a sizable

number of enemy combatants. Although it may be difficult to convert committed radical extremist, it is not impossible; there are many examples.

The British, in an effort to reduce the number of Irish Republican Army detainees, justified the release of individuals based on evidence that family and community ties could influence the detainee's move away from violence. This action created an effect that reduced both the population of detainees and the alienation in the communities from which they came. In many situations, the "repentants" provided crucial information and evidence that was crucial in cracking the overall Irish Republican Army terrorists' campaign.¹⁷

From the point of capture to the theater internment facility, operations security (OPSEC) contributes to successful operations at every level. Poor OPSEC may lead to missed opportunities to defeat or turn a detainee in the US favor. While most understand OPSEC as just keeping information from the enemy, it also includes counter surveillance. Security forces at every level must contribute to OPSEC. At the points of capture, the infantry Soldier must practice good OPSEC by not providing information that could possibly be transferred to other detainees at other internment facilities. Additionally, the security force must practice counter surveillance of detainees by observing their actions, mannerisms, and other valuable information. This role of the security force must be passive and information should be passed onto military intelligence analyst. The product of good OPSEC should satisfy the commander's critical information requirements, which leads to informed decision making.

Military deception is only effective when good OPSEC is practiced and can be counterproductive if not properly executed. The primary objectives of military deception

is to influence the threat's situational understanding and lead him to act in a manner that favors friendly forces; often conducted by manipulation, distortion, or falsification.¹⁸ The challenge of invoking an effective military deception plan within detainee operations becomes not violating detainees' rights under the GPW. For purposes of good OPSEC, examples are not listed in this forum.

The Global War on Terrorism is argued to be both a war of ideologies and a political war. Regardless, while there are many physical struggles, ideology, and politics are tied by the one who dominates the information environment towards one view. The US detainee operations program must comprehend this fact and take proactive measures to influence the perceptions, decisions, and will of ones adversaries, specifically; religious, political and intellectual leaders. Commanders must pressure these leaders to stand up for what they believe in and not stand aside or compromise with radical extremist who seek to destroy them. These leaders must not tolerate violence and radical extremism and try not to place blame for their own failures to other cultures, religions, or nations.

Ideological and political warfare are an extension of armed conflict by other means. Not only do they both focus exclusively on the US enemies at large, but it also targets those on their way into the enemy ranks, those who may be persuaded to resign, and those detained. In the end, utilizing IO as a logical line of operations to achieve the commander's objective should shape the environment of the internment facility to promote positive perceptions and attitudes of the detained population. It must also shape the attitudes, communicate information, promote support, and counter the effects of the enemy.

Religion

Religion and ideological beliefs are often, if not always, tied together.

Understanding that most enemy combatants fight for some kind of belief, ideological or religious, it is important that as a logical line of operation one must devise a means to reduce the appeal to this belief and stop its recruiting. David Galula points out, “The first basic need for an insurgent is an attractive cause that does not need persuasion to recruit.”¹⁹ History demonstrates that radical extremist who are recruited often enter and justify their actions via religion. They are aroused by misconstrued evidence of persecution against their beliefs and exhorted to take action in its defense.

Chapter 1 summarized how easy it is for a prisoner or detainee to become indoctrinated into some form of radical extremist; often it begins by someone who is offering advice and assistance to new and frightened detainees, leads prayers, and provides practical advice on how to survive in prison. Radical detainees often intimidate suitably qualified religious service providers to promote their views. They volunteer for religious functions and assume the role of a religious authority, giving them the benefit to influence a captive audience. There becomes a point where the detainee becomes indoctrinated into the internment facility. Isolated from all other sources of information, potential radical extremist can easily be consumed by the ideology of radical extremist. This tactics should be used with nonradical teachings and tied into the overall IO logical line of operation.

In many Muslim and Western countries, prisons are relying on moderate Muslim ministers to promote nonviolent ideologies to counter the recruitment of the radical extremist. In Yemen, through a program call Yemen’s Dialogue Committee, prisoners are

engaged in a Quran based rehabilitation program.²⁰ Islamic scholars would challenge misguided Muslims to a debate about interpretations of the Quran; the scholars would most often win the debate and the radical extremist would agree to renounce violence. These prisoners would then be released with some assistance. “Three hundred and sixty-four young men have been released after going through the dialogues and none of these have left Yemen to fight anywhere else.”²¹ The advantage of using this type of tactic is that these detainees can often be utilized as a valuable source of information to defeat future threats. Similarly, other Muslim nations like Saudi Arabia, Egypt, and Singapore have appealed to moderate Muslim clerics to address the growing number of radical extremist.

The US must shatter the appeal of the radical extremist ideology. It must defeat the radical extremist missionary enterprise within detainee operations by employing antiviolen t ministry teams and indoctrinate detainees to a more moderate interpretation of their beliefs.²² The US must promote a peaceful coexistence of the various beliefs and stress to religious leaders that they cannot be passive or hope that this struggle will be won from the outside.

External Communication

The GPW and military doctrine calls for allowing detainees to have external communications. External communication as a logical line of operations is a tremendous tool when synchronized with other logical lines of operations, more specifically the Big Three. External communications include correspondence via mail and visitation services.

One of the more effective tools for external notification begins with notification to the family of the apprehension of the detainee. Tied with an effective IO message, this

notification can facilitate the commander to reach his objective. When notification is not properly made, it can cause a disappearance effect of the detainee, which could possibly lead family members and friends to adopt further radical extremist ideologies and actions.

Visitation can be exploited in two manners by the commander to reach his objective. First, it can be used as a reward for good behavior and secondly, when monitored, can provide valuable tactical and strategic intelligence.

Reintegration Education

Criminologist studies have demonstrated that there is a correlation between intelligence and delinquency.²³ Less intelligent or educated individuals are more likely to commit crimes than the more intelligent or educated. This does not necessarily mean that detainees are not intelligent, but it points out that there may be a need to educate them. Education is key in preparing detainees for release. Tied with IO, the education logical line of operation is the cornerstone to shape the thoughts and perceptions of the detainees.

Studies show that there are three major elements of programs that successfully reduce recidivism. These programs are education, treatment for mental illness or substance abuse, and employment upon release. Educational programs address the detainees' need to attain the skills necessary to find and retain employment upon release.

In the US corrections system, "Education is reported to reduce recidivism by 29 percent with the completion of high school education and found to be the most pervasive need."²⁴ Treatment for mental illness and substance abuse were shortly addressed in the medical line of operation and may require further study.

In the Korean conflict, the command recognized the need for a detainee education program. The Civil Information and Education section was created in October 1950 and

lasted through 1953. The Civil Information and Education had three branches: Instructional Programs, Evaluation, and Services. The program was composed of four hours of weekly education to promote the program's political objectives; vocational training focused on self-sufficiency by focusing on carpentry, bricklaying, barbering, and other marketable skills; agriculture education which eventually produced thousands of pounds of fresh produce to the detainees; basic education focusing on the basics of reading, math, history, and science; health education to promote personal hygiene and sanitation which assisted in the prevention of disease within the facility. The success of the plan had positive and negative effects in that successful programs were well resourced while the latter was a result of poor logistics and personnel support.

There are potentially a myriad of programs that could be implemented to deter or prevent radicalization. The tactical problem within detainee operations is to design a program that address the fact that detainees are a diverse population that face multiple barriers; such as low levels of education, conflicting culture and ideologies, lack of employment, physical and mental health problems, and lack of stable housing. With this understanding, the solution to the tactical problem is designing a program that is multifaceted. For example, employment issues will not be effective if society is not willing to hire a known criminal; therefore, there must be programs both inside and outside the internment facility to prepare inmates for release. There must be a system established in the community to support them in their efforts to make referrals, assist them to find and retain employment and self-sufficiency. A coordinated approach is necessary to reduce the likelihood of former detainees of becoming involved in radical extremism against the US and its allies.

The education program should be designed to assist detainees with reintegration into society as law-abiding citizens both inside and outside the wire. Facility staff should actively encourage detainees to participate in internment programs that meet their identified educational needs. Vocational programs must be established that provide marketable work for detainees once reintegrated into society. Additionally, the facility commander must ensure the resources are available to support the education and vocational programs.

Positive Activity

Many studies have continuously demonstrated that individuals who are active and engaged in positive activity live better lives and are less likely to create problems or be engaged with criminal activity. The positive activity logical line of operation serves many purposes in that it has the potential to create both positive physical and mental effects within the detainee population.

Physical activity includes any type of exercise or movement. It includes activities such as walking, running, playing sports like soccer, or being part of a work detail. Adults should receive a minimum of thirty minutes of physical activity daily, preferably activity that is enjoyable to the detainee.

Psychologists believe that people can adjust their personal well-being by changing how they think about memory, anticipation, and the present time. “Our sense of well-being is intimately tied to our perception of time.”²⁵ What is known is that one does not often remember their experiences properly. For example, imagine that trip to Las Vegas having lost more money than one could afford, and prior to returning home one hits the jackpot. All the losses and those frustrating feeling are not remembered, but hitting the

jackpot of the trip is remembered. Memories are all that is kept from ones experiences. Making positive memories can have a significant positive effect on the detainee population in both a short- and long-term basis.

Release, Repatriation, or Transfer to Host Nation Authorities

The US detainee operations doctrine calls for release, repatriation, or transfer of detainees upon cessation of hostilities as directed by the Office of the Secretary of Defense.²⁶ Repatriation and release are often used synonymously because they often occur simultaneously; however, they both have different meanings. Transfer simply means transferring the control and accountability of the detainee to the residence of the detainees' country of residence or a designated protecting power. Release, repatriate, or transfer is a significant logical line of operation because it is often driven by the higher echelon commander and is often motivated by diplomatic and political objectives. Understanding the higher headquarters commander's intent will assist the internment commander to visualize his desired objectives to properly frame the problem. In turn, the internment commander can assign tasks, allocate resources, assess operations and have proper measures of effectiveness and performance in place.

During Operation Just Cause, the US repatriated over 500 detainees to the custody of the Panamanian government. These detainees were released upon swearing allegiance to the new Panamanian government. Months later, the Panamanian government requested custody of approximately 100 more detainees under US custody. As an element of due process, the US and Panamanian governments formed a "judicial liaison group."²⁷ Majorities of the detainees were transferred to the Panamanian government and a few were transported to the US for civil prosecution.

The significance of the repatriation and transfer during Operation Just Cause and previous military operations is that there was a government whose conditions were similar or equal to those of the US. Under the new COE, it is a large assumption that governments will be in place or are willing to accept the modern day detainee, who often hold and have ties to radical extremist ideologies. Systems need to be in place to build penal systems capable of reducing the dependency of foreign government; they must accept custodial care and custody of these detainees.

As mentioned in chapter 2, DoDD 3000.05 directs US military forces to be prepared to build indigenous capability. Nowhere in the military police detainee operations doctrine does it address or task commanders to build host nation capability for detainee operations. Not addressing this logical line of operation in doctrine limits the amount of resources and prevents staff to properly plan and train for this significant line of operation to reach the commander's overall objective.

¹Department of the Army, Army Regulation (AR) 190-47, *The Army Corrections System* (Washington, DC: Government Printing Office, 2004), 1-6

²Department of the Army, Field Manual (FM) 19-40, *Enemy Prisoners of War, Civilian Internees, and Detained Persons* (Washington, DC: Government Printing Office, 1967), 1-2.

³Department of the Army, FM 19-40, 1-3.

⁴Matthew J. Cody, "Leveraging Logical Lines of Operations in COIN" (Monograph, School of Advanced Military Studies, Fort Leavenworth, Kansas, 2005), 11.

⁵P. Keith Warman, National Ground Intelligence Center, Biometrics 101 Information Briefing to A940 Students, Command and General Staff College, Fort Leavenworth, Kansas, 29 November 2006.

⁶Gebhardt, 17.

⁷McKean and Ransford.

⁸Department of the Army, AR 190-8, 3-8.

⁹Mark Inch “Supporting the Restoration of Civil Authority: The Business of Prisons” (Monograph, School of Advanced Military Studies, Fort Leavenworth, Kansas, 2005), 41.

¹⁰Gebhardt, 17-18.

¹¹Anthony R. Jones, *Investigation of the Abu Ghraib Prison and the 205th Military Intelligence Brigade* (Washington, DC: US Army Public Affairs, 2004), 24; available from <http://permanent.access.gpo.gov/lps53415/ar15-6.pdf>; Internet; accessed on 10 December 2006.

¹²International Committee of the Red Cross, Report of the International Committee of the Red Cross (ICRC) on the Treatment by the Coalition Forces of Prisoners of War and Other Protected Persons by the Geneva Conventions in Iraq During Arrest, Internment and Interrogation, February 2004; available from http://www.globalsecurity.org/military/library/report/2004/icrc_report_iraq_feb2004.htm; Internet; accessed 3 December 2006.

¹³Department of Defense, Department of Defense Directive 2310.01E, *The Department of Defense Detainee Program* (Washington, DC: Government Printing Office, 2006), 3.

¹⁴Lou DiMarco, “Losing the Moral Compass: Torture and Guerre Revolutionnaire in the Algerian War” *Parameters* (summer 2006): 72-73.

¹⁵Department of the Army and Marine Corps Combat Development Command, Field Manual (FM) 3-24 and Marine Corps Warfighting Publication 3-33.5, *Counterinsurgency* (Washington, DC: Government Printing Office, December 2006), 3-3.

¹⁶Herbert A. Friedman, SGM (Ret.), The Chieu Hoi Program of Vietnam, from Drs Ernest F. and Edith M. Bairdain, *The Final Report Psychological Operations Studies - Vietnam*, vol I, Human Science Research Inc, 1971; available from <http://www.psywarrior.com/ChieuHoiProgram.html>; Internet; accessed 10 May 2007.

¹⁷Brian M. Jenkins, *Unconquerable Nation: Knowing Our Enemy, Strengthening Ourselves* (Santa Monica, CA, RAND Corporation, 2006), 130.

¹⁸Department of the Army, FM 3.0, 6-41.

¹⁹Galula, 18.

²⁰Andrew McGregor, "Prosecuting Terrorism: Yemen's War on Islamist Militancy," *Terrorism Monitor* 4, no. 9, 4 (May 2006): 3.

²¹James Brandon, "Koranic Duels Ease Terror," *The Christian Science Monitor* (4 February 2005); available from <http://www.csmonitor.com/2005/0204/p01s04-wome.html>; Internet; accessed 16 May 2007.

²²James K Dooghan, *Muslim Prison Ministry: Hindering the Spread of the Radical, Militant, Violent and Irreconcilable Wing of Islam* (Fort Leavenworth, KS: Combat Studies Institute Press, 2006), iii.

²³Gendreau et al., 577.

²⁴McKean Ransford, 5.

²⁵Carlin Flora, "Happy Hour", *Psychology Today Magazine*, Sussex Publishers, LLC (January/February 2005); <http://psychologytoday.com/articles/index.php?term=pto-20050119-000002&page=1>; Internet; accessed 12 May 2007.

²⁶Department of the Army, AR 190-8, 3-13.

²⁷Gebhardt, 78.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

The US military detainee operations program serves as an essential shaping effort that enable the US military to achieve its diplomatic and military objectives. When properly executed, detainee operations can mean both tactical and strategic success; executed poorly it can have devastating effects on the US and its allies.

While not properly defined in doctrine, the objective of US detainee operations must be to detain both lawful and unlawful enemy combatant and to prevent combatants from continuing the fight against the US and its allies. The detainee classification should not matter; these enemy combatants could be supporters, fence sitters, radical extremist, or individuals who happened to be at the wrong place and time, the objective must be clear. The tactical problem for the internment facility commander will be to prevent radicalization or further radicalization of detainees in US custody. Additionally, he must attempt to prevent radicalized detainees to infect other detainees while attempting to persuade radicalized detainees not to hold such beliefs and ideologies.

The commander's operational design within detainee operations must be properly assessed and nested within the higher echelon's operational design. Detainee operations play a critical role under full spectrum operations; however, emphasis is placed during stability operations. Under stability operations, the commander's intent and vision are often expressed through logical lines of operations. Understanding this, the internment commander responsible of detainee operations must design logical lines of operations to reach his desired objective.

There are no clear-cut solutions; not all detainees are easily influenced or receptive to the objectives of the US military. Logical lines of operations provide an effective operational design to achieve the commander's objectives, especially when enforced by known best practices of the corrections profession and counterinsurgency operations. These logical lines must be synchronized by the internment facility staff to gain unity of effort. While all the logical lines are important and tied to one another, there are none more important than the Big Three to reach the commander's objectives. Security, intelligence, and information operations are binding logical lines of operations. No action within detainee operation should occur without the integration of the Big Three.

This thesis has focused on the operational and tactical level of detainee operations. More specifically, it has addressed elements of doctrine, training, and facilities. The areas that may require further study and analysis to achieve the commander's objective are in regards to due process at the strategic level and the organizational structure of the Internment/Resettlement Battalion and Brigade Headquarters is another area that may require further analysis.

At the strategic level of detainee operations, further study and analysis is required by more qualified individuals in reference to appropriate due process. There are multiple opinions on what to do with detainees at the strategic level. As this thesis is written, court challenges continue as military judges have recently dismissed two cases against al-Qaeda linked detainees.¹

In order to effectively accomplish some of the logical lines of operations, certain staff members may need to be added to the Table of Organization and Equipment. While

doctrinal manuals provide duty descriptions for most, they are not properly staffed in the Table of Organization and Equipment. These staff additions may be civil-military officer and staff, IO officer and staff, and military police investigators. While the S2, Intelligence staffs are trained to evaluate threats and threat course of actions, they are not properly trained to gather and analyze physical evidence like a military police investigator. These gaps were identified but not addressed in the analysis as the logical line of operations can still continue, though they may not be as effective without dedicated staff support.

Recommendations

Various recommendations emerge for commanders to conduct detainee operations under the COE. Many of the recommendations are addressed in chapter 4 within the logical lines of operations. Utilizing the logical lines of operations, four recommendations are provided for the commander to achieve his objective.

The first recommendation and priority is to change the objective of the US detainee operations program. It must be tied and integrated with the higher echelon commander's objectives and end-state while being able to work effectively with other criminal-justice partners, such as the judicial system. If doctrine does not change, the commander's objective should be clearly articulated in his mission and intent statement.

The second recommendation is the establishment and development of administrative and management systems based on the logical lines of operations identified in chapters 3 and analyzed in chapter 4. Additionally, the logical lines of operations must be tied by the Big Three and based on the principles and best practices of corrections and counterinsurgency doctrine. The operational design of the logical lines of

operations must factor in the culture of both the enemy and the Soldiers of the detaining power. Culture awareness matters particularly at a time of volatile occupations of foreign soil where soldiers are asked to serve as police and correction officers, nation builders, and peace brokers. Culture matters at every level – strategic, operational, and tactical.

The third recommendation involves resources and enabling technologies. Commanders must resource the internment facility to effectively implement the logical lines of operations. There are few examples of successful detention or corrections programs that are under resourced; most successful programs are properly resourced. Additionally, enabling technology like the BAT must be integrated to the Soldiers in the field to properly identify previous or future offenders.

Finally, the Internment/Resettlement Battalion and Brigade staff must be properly trained to assess and devise programs that are specific to the COE within detainee operations. When necessary, training and professional development of the staff must occur that looks at best practices of detention and corrections. Additionally, the staff must be capable to build host nation capability by being able to assess, organize, build, train, equip, and advise indigenous governments.

¹Michael Warren, “Judges at Guantanamo Throw Out 2 Cases,” New York Times Associated Press, 5 June 2007; available from <http://www.nytimes.com/aponline/world/AP-GuantanamoTrials.html?r=1&oref=slogin>; Internet; accessed 5 June 2007.

GLOSSARY

Co-Belligerent. Any State or armed force joining and directly engaged with the United States in hostilities or directly supporting hostilities against a common enemy.

Lawful Enemy Combatant. A member of the regular forces of a State party engaged in hostilities against the United States; a member of a militia, volunteer corps, or organized resistance movement belonging to a State party engaged in such hostilities, which are under responsible command, wear a fixed distinctive sign recognizable at a distance, carry their arms openly, and abide by the law of war; or a member of a regular armed force who professes allegiance to a government engaged in such hostilities, but not recognized by the United States.

Unlawful Enemy Combatant. A person who has engaged in hostilities or has purposefully and materially supported hostilities against the United States or its co-belligerents who is not a lawful enemy combatant. Or a person who, before, on, or after the date of the Military Commissions Act of 2006, has been determined to be an unlawful enemy combatant by a Combatant Status Review Tribunal or another competent tribunal established under the authority of the President or the Secretary of Defense.

BIBLIOGRAPHY

Books

- Allen, Harry E., and Clifford E. Simonsen. *Corrections in America: An Introduction*. Upper Saddle River, NJ: Prentice Hall, 1998.
- Benekos, Peter J., and Alida V. Merlo. *Corrections: Dilemmas and Directions*. Cincinnati, OH: Anderson Publishing Co., 1992.
- Coffey, Alan, and Edward Eldefonso. *Process and Impact of Justice*. Beverly Hills, CA: Glencoe Press, 1975.
- Cohen, Stanley, and Laurie Taylor. *Psychological Survival: The Experience of Long-Term Imprisonment*. New York, NY: Pantheon Books, 1973.
- Galula, David. *Counterinsurgency Warfare: Theory and Practice*. United States of America: Frederick A. Praeger, Inc, 1964. Reprint, United States of America: Frederick A. Praeger, Inc. 2005.
- Jenkins, Brian M. *Unconquerable Nation: Knowing Our Enemy, Strengthening Ourselves*. Santa Monica, CA, RAND Corporation, 2006.

Government Sources

- Department of Defense. Department of Defense Directive 2310.01E, *The Department of Defense Detainee Program*. Washington, DC: Government Printing Office, 2006.
- _____. Department of Defense Directive 3000.05, *Subject: Military Support for Stability, Security, Transition, and Reconstruction (SSTR) Operations*, 28 November 2005. Available from http://www.dtic.mil/whs/directives/corres/pdf/d300005_112805/d300005p.pdf. Internet. Accessed 7 October 2006.
- _____. Joint Publication 3.0, *Joint Operations*. Washington, DC: Government Printing Office, 2006.
- _____. Department of Defense Directive 3000.05, Subject: Military Support for Stability, Security, Transition, and Reconstruction (SSTR) Operations, 28 November 2005; available from http://www.dtic.mil/whs/directives/corres/pdf/d300005_112805/d300005p.pdf; Internet; accessed 7 October 2006.
- Department of the Army. Army Regulation (AR) 190-8, *Enemy Prisoners of War, Retained Personnel, Civilian Internees, and Other Detainees*. Washington, DC: Government Printing Office, 1 November 1997.

- _____. Army Regulation (AR) 190-47, *The Army Corrections System*. Washington, DC: Government Printing Office, April 2004.
- _____. Field Manual (FM) 1, *The Army*. Washington, DC: Government Printing Office, 2006
- _____. Field Manual (FM) 19-40, *Enemy Prisoners of War, Civilian Internees, and Detained Persons*. Washington, DC: Government Printing Office, 1967.
- _____. Field Manual (FM) 19-40, *Enemy Prisoners of War: Civilian Internees and Detained Persons*. Washington, DC: Government Printing Office, 1976.
- _____. Field Manual (FM) 2-22.3, *Human Intelligence Collector Operations*. Washington, DC: Government Printing Office, September 2006.
- _____. Field Manual (FM) 3.0, *Operations*. Washington, DC: Government Printing Office, June 2001.
- _____. Field Manual (FM) 3-19.40, *Military Police Internment/ Resettlement Operations*. Washington, DC: Government Printing Office, 2001.
- _____. Field Manual (FM) 3-63, *Detainee Operations: Multi-Service Tactics, Techniques, and Procedures for Detainee Operations in the Global War on Terrorism*. Washington, DC: Government Printing Office, 2006.
- _____. Office of the Inspector General. *Detainee Operations Inspection*. Washington, DC: Government Printing Office, 2004.
- Department of the Army and Marine Corps Combat Development Command. Field Manual (FM) 3-24 and Marine Corps Warfighting Publication 3-33.5, *Counterinsurgency*. Washington, DC: Government Printing Office, December 2006.
- Rumsfeld, Donald. Memorandum for Chairman of the Joint Chiefs of Staff. Subject: Status of Taliban and Al Qaeda. Washington, DC: Government Printing Office, 19 January 2002.
- The White House. *The National Security Strategy*. March 2006. Available from <http://www.whitehouse.gov/nsc/nss/2006>. Internet. Accessed 3 April 2007.
- _____. *National Strategy for Combating Terrorism*. September 2006. Available from <http://www.whitehouse.gov/nsc/nsct/2006/>. Internet. Accessed 5 October 2006.
- U.S. Department of Justice. *A Review of the Federal Bureau of Prisons' Selection of Muslim Religious Services Providers*. Washington, DC: Office of the Inspector General, 2004.

United States Army. Military Police Training Support Package 191-3425, *Introduction to Detainee Operations*. Washington, DC: Government Printing Office, 10 November 2005.

Periodicals/Journals

Atchison, Samuel K. "Prison Ministry: Understanding Prison Culture Inside and Out". *The Christian Century* 120, no. 13 (28 June 2003): 39.

Chiarelli, Peter W., and Patrick R. Michaelis. "Winning the Peace: The Requirement for Full-Spectrum Operations." *Military Review* (July-August 2006): 4-17.

Corcoran, Randy. "Changing Prison Culture." *Corrections Today* 67, no. 2 (April 2005): 24.

Cornelius, Gary F. "Understanding Prison Culture is the Key to Inmate Management." *Corrections Today* 54, no. 8 (December 1992): 138.

Cuthbertson, Ian M. "Prisons and the Education of Terrorist." *World Policy Journal* (Fall 2004): 15.

DiMarco, Lou. "Losing the Moral Compass: Torture and Guerre Revolutionnaire in the Algerian War" *Parameters* (summer 2006): 63-76.

Dreyer, Vincent M. "Retooling the Nation Building Strategy in Afghanistan." *Joint Forces Quarterly* no. 43 (4th Quarter 2006): 34-39.

Gendreau, Paul, Tracy Little, and Claire Goggin. "A Meta-Analysis of the Predictors of Adult Offender Recidivism: What Works!" *Criminology* 34, no. 4 (November 1996): 575-608.

McGregor, Andrew. "Prosecuting Terrorism: Yemen's War on Islamist Militancy." *Terrorism Monitor* 4, no. 9 (4 May 2006): 3-5.

Meachum, Larry. "Prisons: Breeding Grounds for Hate?" *Corrections Today* 62, no. 7 (December 2000): 130-133.

Rybolt, Steve. "Prison Culture Openly Hostile to Treatment." *Alcoholism & Drug Abuse Weekly* 8, no. 9 (26 February 1996): 5.

Wright, Randall. "Going to Teach in Prisons: Culture Shock." *Journal of Correctional Education* 56, no. 1 (March 2005): 19-38.

Zamelis, Chris. "Radical Networks in Middle East Prisons." *Terrorism Monitor* 4, no. 4 (May 2006): 7-10.

Zoll, Rachel. "Newfound Conviction: Inmate Conversions to Islam Spark Terror Concerns." *The Washington Post*, 5 June 2005.

Internet Sources

Elsea, Jennifer K. CRS Report RL32567, *Lawfulness of Interrogation Techniques under the Geneva Conventions*. 8 September 2004. Available from <http://www.fas.org/irp/crs/RL32567.pdf>. Internet. Accessed 3 December 2006.

_____. CRS Report RS22466, *Hamdan v. Rumsfeld: Military Commissions in the Global War on Terrorism*, 6 July 2006. Available from <http://www.fas.org/sgp/crs/natsec/RS22466.pdf>. Internet. Accessed 3 December 2006.

Fainaru, Steve, and Anthony Shadid. *Washington Post Foreign Service*, 24 August 2005, A01. Available from <http://www.washingtonpost.com/wpdyn/content/article/2005/08/23/AR2005082301525.html>. Internet. Accessed 7 February 2007.

Flora, Carlin. "Happy Hour." *Psychology Today Magazine*, January/February 2005. Available at <http://psychologytoday.com/articles/index.php?term=pto-20050119-000002&page=1>. Internet. Accessed 12 May 2007.

Friedman, Herbert A. The Chieu Hoi Program of Vietnam. Available from <http://www.psywarrior.com/ChieuHoiProgram.html>. Internet. Accessed on 12 April 2007.

International Committee of the Red Cross. Report of the International Committee of the Red Cross (ICRC) on the Treatment by the Coalition Forces of Prisoners of War and Other Protected Persons by the Geneva Conventions in Iraq During Arrest, Internment and Interrogation. February 2004. Available from http://www.globalsecurity.org/military/library/report/2004/icrc_report_iraq_feb2004.htm. Internet. Accessed 10 November 2006.

James, Brandon. "Koranic Duels Ease Terror." *The Christian Science Monitor* (4 February 2005). Available from <http://www.csmonitor.com/2005/0204/p01s04-wome.html>. Internet. Accessed 16 May 2007.

Jones, Anthony R. Investigation of the Abu Ghraib Prison and the 205th Military Intelligence Brigade. Washington, DC: US Army Public Affairs, 2004. Available from <http://permanent.access.gpo.gov/lps53415/ar15-6.pdf>. Internet. Accessed on 10 December 2006.

McKean, Lisa, Ph.D., and Charles Ransford. *Current Strategies for Reducing Recidivism*. Center for Impact Research, 2004. Available from http://thecommongood.org/CGN/3_17/ExecSumReducingRecidivism.pdf. Internet. Accessed 3 December 2006.

Mintz, John. "Released Detainees Rejoining the Fight" *Washington Post*, 22 October 2004, A01. Available from <http://www.washingtonpost.com/ac2/wp-dyn/A52670-2004Oct21>. Internet. Accessed 10 October 2006.

National Institute of Corrections. *United Nations Practical Guidelines for the Establishment of Correctional Services within United Nations Peace Operations*, 21 August 2000. Available from <http://www.nicic.org/Library/018919>. Internet. Accessed 7 October 2006.

Society of Professional Journalists. Geneva Conventions a Reference Guide. Available from <http://www.genevaconventions.org/>. Internet. Accessed 3 December 2006.

Warren, Michael. "Judges at Guantanamo Throw Out 2 Cases." *New York Times* Associated Press, 5 June 2007. Available from <http://www.nytimes.com/aponline/world/AP-GuantanamoTrials.html?r=1&oref=slogin>. Internet. Accessed 5 June 2007.

Other Sources

Cody, Matthew J. "Leveraging Logical Lines of Operations in COIN." Monograph, School of Advanced Military Studies, Fort Leavenworth, Kansas, 2005.

Cordesman, Anthony H., and Arleigh A. Burke. *Winning the "War on Terrorism:" The Need for a Fundamentally Different Strategy*. Washington, DC: Center for Strategic and International Studies, 2006.

Dooghan, James K. *Muslim Prison Ministry: Hindering the Spread of the Radical, Militant, Violent and Irreconcilable Wing of Islam*. Fort Leavenworth, KS: Combat Studies Institute Press. 2006.

Gebhard, James F. Occasional Paper 6, *The Road to Abu Ghraib: US Army Detainee Doctrine and Experience, Global War on Terrorism*. Fort Leavenworth, KS: Combat Studies Institute Press, 2005.

Inch, Mark. "Supporting the Restoration of Civil Authority: The Business of Prisons." Monograph, School of Advanced Military Studies, Fort Leavenworth, Kansas, 2005.

Kem, Jack D., Dr. *Campaign Planning: Tools of the Trade*. Fort Leavenworth, KS: Department of Joint and Multinational Operations, U.S. Army Command and General Staff College. 2006.

Warman, Keith P. National Ground Intelligence Center. Biometrics 101, Information Briefing to Command and General Staff College, Fort Leavenworth, Kansas, 29 November 2006.

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